

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Kurzweil Educational Systems, Inc.,  
Plaintiff(s)

V.

Freedom Scientific, Inc.,  
Defendant(s)

CIVIL ACTION  
NO. 04-10965-NMG

SCHEDULING ORDER

GORTON, D.J.

This order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases either by settlement or trial.

The above-entitled action having been filed on 5/14/04, it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) automatic discovery is complete amendments and/or supplements to the pleadings may be filed by 1/31/05 subject to the provisions of the Federal Rules of Civil Procedure;
- (2) written discovery requests are to be filed by 4/30/05 and answers are to be filed by 5/31/05
- (3) all fact discovery depositions 8/31/05  
all expert depositions are to be completed by 12/31/05
- (4) all trial experts by plaintiff are to be designated and disclosure of information contemplated by FRCP, Rule 26(a)(2) by 10/15/05 trial experts and designated and disclosure of information by defendant by 11/15/05
- (5) all dispositive motions, including motions for summary judgment, are to be filed by 1/31/06 and responses 2/21/06
- (6) motions for summary judgment are to be filed \_\_\_\_\_[after completion of the necessary discovery] and responses are to be filed within fourteen (14) days thereafter pursuant

to Local Rule 7.1 and all filings must conform to the requirements of Local Rule 56.1;

- (7) discovery is to be completed by 1/31/06, unless shortened or enlarged by Order of this Court.
- (8) Case to go to be referred to mediation in November 2005.
- (9) a final pretrial conference will be held on 4/20/06 at 3:00 p.m. to be notified by court, and must be attended by trial counsel. Counsel shall be prepared to commence trial as of 6/5/06 at 9:00 a.m.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

/s/ Craig J. Nicewicz

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Deputy Clerk